

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

Alvin Prince Jones,

Petitioner,

vs.

REPORT AND RECOMMENDATION

Marty Anderson, Warden,

Respondent.

Civ. No. 06-2341(DSD/RLE)

\* \* \* \* \*

This matter came before the undersigned United States Magistrate Judge pursuant to a general assignment, made in accordance with the provisions of Title 28 U.S.C. §636(b)(1)(B), upon the Petitioner's Petition for a Writ of Habeas Corpus. By Order dated June 27, 2006, we informed the Petitioner that he needed to clarify whether he intended his Petition to include a claim for relief against the BOP -- which is not currently a Respondent in this action -- in addition to the currently named Respondent, Warden Anderson. In the same Order, we directed the Petitioner to file a written Memorandum advising the Court whether he intends to amend his Petition, within twenty (20) days after the date of the Order -- June 27, 2006 -- so as to precisely identify the basis for any request for Habeas relief, to name any additional

Respondents, and/or to specifically identify the nature of the relief he seeks. He was further directed to file an Amended Petition within the prescribed time frame, if he intended to effect an amendment. We forewarned the Petitioner that his failure to comply with that directives would result in our recommendation that his Petition be summarily dismissed without prejudice. See, Docket No. 7.

The deadline for satisfying the requirement of this Court's prior Order expired nearly four (4) weeks ago, and the Petitioner has failed to comply. Therefore, based on the Petitioner's failure to comply with our Order of June 27, 2006, and his failure to prosecute this action, we recommend that his Petition be summarily dismissed, without prejudice, see Rule 41(b), Federal Rules of Civil Procedure (declaring that actions may be dismissed for failure to comply with Court Orders); see also, Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)(recognizing that a Federal Court has the inherent authority to "manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases").

NOW, THEREFORE, It is --

RECOMMENDED:

That the Petitioner's Petition for Habeas Corpus [Docket No. 1] be dismissed, but without prejudice, for failure to comply with this Court's Order dated June 27, 2006, and for failure to prosecute.

Dated: August 18, 2006

s/Raymond L. Erickson

Raymond L. Erickson  
CHIEF U.S. MAGISTRATE JUDGE

**NOTICE**

Pursuant to Rule 6(a), Federal Rules of Civil Procedure, D. Minn. LR1.1(f), and D. Minn. LR72.1(c)(2), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties **by no later than September 5, 2006**, a writing which specifically identifies those portions of the Report to which objections are made and the bases of those objections. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals.

If the consideration of the objections requires a review of a transcript of a Hearing, then the party making the objections shall timely order and file a complete transcript of that Hearing **by no later than September 5, 2006**, unless all interested parties stipulate that the District Court is not required by Title 28 U.S.C. §636 to review the transcript in order to resolve all of the objections made.